

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ABINGDON, VA  
FILED

JAN 08 2008

JOHN P. GORDON, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

DAWN CHEEK, )  
Plaintiff, ) Civil Action No. 2:07cv00008  
 )  
v. ) **ORDER**  
 )  
MICHAEL J. ASTRUE, ) By: GLEN M. WILLIAMS  
Commissioner of Social Security,<sup>1</sup> ) SENIOR UNITED STATES DISTRICT JUDGE  
Defendant. )

For the reasons stated in the Memorandum Opinion accompanying this final judgment, it is **ADJUDGED and ORDERED** as follows:

1. The motion for summary judgment filed by the Commissioner of Social Security is **OVERRULED**;
2. The motion for summary judgment filed by the plaintiff is **OVERRULED**;
3. The motion for remand filed by the plaintiff is **SUSTAINED**;
4. The final decision of the Commissioner denying benefits is **VACATED**;
5. The plaintiff's claims shall be **REMANDED** pursuant to "sentence four" of 42 U.S.C. § 405(g) for further development;
6. The Clerk shall send a certified copy of this Final Judgment and the accompanying Memorandum Opinion to all counsel of record; and
7. The Clerk is directed to close the case and strike it from the docket.

ENTER: This 8th day of January, 2008

*[Signature]*  
THE HONORABLE *[Signature]* WILLIAMS  
SENIOR UNITED STATES DISTRICT JUDGE

<sup>1</sup> Michael J. Astrue became the Commissioner of Social Security on February 12, 2007, and is, therefore, substituted for Jo Anne B. Barnhart as the defendant in this suit pursuant to Federal Rule of Civil Procedure 25(d)(1).